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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 28 October 2004 from the Permanent Representative of France to the United Nations addressed to the Chairman of the Committee

At the request of my Government, I have the honour to transmit to you, in your capacity as Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), the report submitted by France in accordance with paragraph 4 of that resolution (see annex).

I should be grateful if you would have the report and this letter brought to the attention of the members of the Committee.

(*Signed*) Jean-Marc de La Sablière

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Annex to the letter dated 28 October 2004 from the Permanent Representative of France to the United Nations addressed to the Chairman of the Committee

Report submitted by France to the Security Council Committee established pursuant to resolution 1540 (2004), in accordance with paragraph 4 of that resolution

Overall approach of France to combating the proliferation of weapons of mass destruction and their means of delivery

1. The proliferation of weapons of mass destruction is a major threat

France considers that the proliferation of weapons of mass destruction and their means of delivery is "one of the most serious threats of our time".[1]

Furthermore, the document entitled "European Security Strategy", adopted by the Heads of State and Government meeting at the European Council in Brussels on 12 December 2003, lists the threats facing Europe and emphasizes that "proliferation of weapons of mass destruction is potentially the greatest threat to our security".

Accordingly, France endeavours, through its action in the various areas of proliferation, to bring together the members of the international community around common principles and objectives in order to confront this threat in a determined and effective manner.

2. Security Council resolution 1540 (2004) has given a new legitimacy to action to combat the proliferation of weapons of mass destruction and their means of delivery

For that reason France welcomes the adoption by the Security Council on 28 April 2004 of resolution 1540 (2004), which represents an important step forward with respect to combating the proliferation of weapons of mass destruction and their means of delivery.

Further to the statement by its President on 31 January 1992, the Security Council unanimously affirmed in the resolution "that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security".

The resolution emphasizes, in particular, the threat of "terrorism and the risk that non-State actors (...) may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery".

The international community therefore affirmed "its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability".

3. Action by France is part of a European approach

France has been working for a long time to prevent and combat the proliferation of such weapons and their means of delivery, and is strengthening its

commitment in that area with a view to enhancing the effectiveness of the resolution.

Within the European Union, France contributed to the drafting of the European Union Strategy against the Proliferation of Weapons of Mass Destruction, which was also adopted on 12 December 2003 by the European Council and which establishes the framework of action by the Union and its members.

In this connection, as a member of the European Union, France refers here to the joint report of the Union which will be transmitted separately to the Security Council Committee established pursuant to resolution 1540 (2004). The joint report covers the fields of competence of the European Union and of the Community, as well as action taken in connection with Security Council resolution 1540 (2004), and it must be considered as complementary to this national report.

In addition, France is also cooperating with the members of the G-8 and, on an ad hoc basis, with other partners, within the framework of the groups of suppliers of which France is a member, and the Proliferation Security Initiative.

Structure of the report of France to the Security Council Committee

- The first part of the document summarizes the commitments undertaken by France with respect to non-proliferation. It provides an account of the implementation of the treaties, and of the multilateral conferences and initiatives to which France is a party. It also recalls France's European commitment with respect to non-proliferation (I).
- The second part identifies the various administrations involved in the implementation of resolution 1540 (2004), their respective responsibilities and the existing coordination measures (II).
- The third part of the document considers, in the light of the various matters covered by the resolution, the measures taken by France which are helping to reducing the risk of the proliferation of weapons of mass destruction and their means of delivery (III).

I. France's commitment to non-proliferation through treaties and multilateral conferences and initiatives, and within the European Union

1. France is a party to all the international instruments for the prevention of the proliferation of nuclear, chemical and biological weapons and their means of delivery

(a) Nuclear non-proliferation

In 1992, France ratified the Nuclear Non-Proliferation Treaty, which it regards as the cornerstone of the international non-proliferation regime. In taking the decision to extend the treaty indefinitely — a decision in which France participated actively — the participants in the 1995 Conference of States parties chose to preserve the considerable achievements of the Treaty since its entry into force in 1970 and to perpetuate them and at the same time (in the decision on the principles and objectives for nuclear non-proliferation and disarmament, the decision on

strengthening the review process and the resolution on the Middle East) adopted a dynamic and proactive approach to its implementation.

France plays an active part in initiatives to strengthen the nuclear non-proliferation regime in order to meet the challenges that threaten the future of the Non-Proliferation Treaty. It seeks to ensure that such action preserves the right to the peaceful uses of nuclear energy recognized by article IV of the Treaty, and does not divide the international community.

France supports the central role of the safeguards system of the International Atomic Energy Agency (IAEA). Within the safeguards system, the implementation of an additional protocol, together with the implementation of a comprehensive safeguards agreement is essential in order to provide complete certainty that non-proliferation commitments under the Treaty are being respected. France seeks to ensure that IAEA is provided with the human, financial and technical resources commensurate with the mandate entrusted to it by the international community in order for its verification mission to be credible. However, France also remains conscious of the need for adequate funding of the Agency's other priorities, in particular promotional and technical cooperation activities. France considers that, given the nature of its activities, IAEA also has a role to play in preventing the risk of nuclear and radiological terrorism.

France also takes an active part in the review process of the Convention on the Physical Protection of Nuclear Material, with a view to strengthening it.

Together with its European Union partners, France is subject to international controls over civilian nuclear material. Such controls are carried out by two international bodies: IAEA and the European Commission (in connection with the implementation of chapter 7 of the Treaty Establishing the European Atomic Energy Community (EURATOM)). On 22 September 1998, in order to participate in the strengthening of IAEA safeguards, France signed an additional protocol to its safeguards agreement. The protocol entered into force at the same time as those of the other members of the European Union, on 30 April 2004.

France supports the principle of nuclear-weapon-free zones, provided that they are the result of a unanimous decision by the States of the region concerned, that they are geographically and militarily appropriate and do not contravene the existing universal principles of international law (in particular the law of the sea). Among the nuclear-weapon States, it is France that is a party to the greatest number of protocols annexed to treaties on nuclear-weapon-free zones. It emphasizes the relevance, in terms of security, of the concept of zones free of weapons of mass destruction and their means of delivery.

France has acceded to the Comprehensive Nuclear-Test-Ban Treaty and has dismantled its testing site in the Pacific. It is promoting the entry into force of the Treaty as soon as possible. Pending the entry into force of the Treaty, it is making an active financial and technical contribution to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization.

France is in favour of initiating negotiations at the Conference on Disarmament, on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (fissile material cut-off treaty). In February 1996, France announced the definitive closure of the facilities for the

production of fissile materials for nuclear weapons at Pierrelatte and Marcoule and has begun to dismantle them.

(b) Chemical and biological non-proliferation

France is a depositary of the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare and in 1996 withdrew all the reservations to which its signature to the Protocol had been subject at the time.

Chemical non-proliferation

France played a leading role in the drafting and subsequent entry into force of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention): in 1989 France convened a conference in Paris to relaunch negotiations on chemical disarmament, and hosted the signing ceremony of the Convention on 10 January 1993, also in Paris. On 2 March 1995, France became the first permanent member of the Security Council to ratify the Convention, which imposed the concept of total prohibition subject to verification by international inspectors.

It is now a matter of ensuring that the Convention becomes universal. France is taking part in all the efforts being made internationally to encourage all those States that have not yet done so to ratify or accede to the Convention.

Biological non-proliferation

As early as 1972, France acknowledged the importance of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction by adopting domestic legislation containing provisions analogous to the obligations set forth in the Convention.

It acceded to the Convention in 1984 and has since worked unremittingly to strengthen it and improve its implementation.

France also emphasizes the need for the universalization of the Convention and the continuation of efforts to combat the proliferation of biological weapons, on the understanding that such efforts should not impede the transfer of knowledge for peaceful purposes.

(c) Ballistic non-proliferation

France is a signatory of The Hague Code of Conduct against Ballistic Missile Proliferation (The Hague Code of Conduct). It played a major part in negotiating the terms of the Code, which it regards as an important first step towards the definition of a minimum framework common to all countries with respect to ballistic non-proliferation. France is therefore seeking to promote both the universalization of the Code and the effective implementation of confidence-building measures between its members. On that basis, it has submitted substantial proposals relating, in particular, to the format of pre-launch notifications of ballistic missile and space vehicle launches.

2. France is an active member of the various export control regimes for sensitive materials, equipment and technologies

France is a member of the groups of suppliers seeking better control of exports of sensitive materials and technologies, namely the Nuclear Suppliers Group (NSG), the Australia Group, the Zangger Committee, the Wassenaar Arrangement and the Missile Technology Control Regime (MTCR).

Some of these groups (MTCR, NSG, the Australia Group and the Wassenaar Arrangement) have developed a "terrorism clause" which is designed to ensure more effective prevention of the acquisition by non-State groups of weapons of mass destruction, their means of delivery or technologies and materials that could be used to develop them.

In particular, France is the contact point (secretariat) of the MTCR and at least once a year organizes a meeting of the delegations of the Member States. It is working in particular to ensure, through cooperation among non-Member States, that the MTCR is better placed to act against the proliferation of ballistic missiles currently taking place outside the regime.

3. Through its European commitments, France is an essential actor in the European Strategy against the Proliferation of Weapons of Mass Destruction, drawn up at the European Council in Thessaloniki in June 2003 and adopted at the European Council in Brussels on 12 December 2003

France is committed to the policies of the European Union to prevent the proliferation of weapons of mass destruction and their means of delivery.

In terms of community policies, France is a founder member of the Treaty establishing the European Atomic Energy Community (EURATOM), the purpose of which is to develop the peaceful uses of nuclear energy. More generally, its regime for the control of the export of dual-use items is based on Regulation (EC) No. 1334/2000 of 22 June 2000, amended by Regulation (EC) No. 1504/2004 of 19 July 2004, which is directly applicable under French law.

Numerous actions, with which France has been closely associated, have also been conducted through the European Union's foreign policy and security policy. They include, in particular, the European Code of Conduct on Arms Exports (statement of the Council of the European Union of 8 June 1998), and joint actions and positions designed to promote the universality of the non-proliferation treaties and regimes and to assist and support States or organizations in their efforts in that field.

The European Strategy against the Proliferation of Weapons of Mass Destruction, drawn up at the European Council held in Thessaloniki in June 2003 and adopted by the European Council in Brussels on 12 December 2003, now provides an overall framework for such actions.

4. This commitment also takes the form of action by France within multilateral forums and in connection with ad hoc initiatives

France supports the non-proliferation initiatives adopted in multilateral forums. On that basis, it was a sponsor of the text of Security Council resolution 1540 (2004).

France has also supported G-8 initiatives in this field, including the Global Partnership against the Spread of Weapons and Materials of Mass Destruction launched in 2002, in connection with which France undertook to contribute up to 750 million euros to the G-8 Action Plan on Non-proliferation, announced on 9 June 2004.

France is also one of the founder members of the Proliferation Security Initiative (PSI). In the Statement of Interdiction Principles, issued in Paris in September 2003, the PSI participants undertook not to transport cargoes involving proliferation, to intercept them where necessary and to cooperate to that end, in particular in cases where the countries concerned do not themselves have the means of acting.

France is a party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and is participating actively in the work of revising the Convention with a view to incorporating in it offences relating to the deliberately illegal transport of weapons of mass destruction and related material.

II. Administrations involved in the implementation of Security Council resolution 1540 (2004)

France does not have one single department mandated to combat the proliferation of weapons of mass destruction and their means of delivery. State activities are based on the mobilization and coordination of all the departments and administrations that may be able to contribute to the prevention and elimination of illegal activities in this field.

1. Inter-ministerial coordination structures

Significant inter-ministerial coordination takes place in the area of preventing and combating the proliferation of weapons of mass destruction.

The principles of export policy for nuclear materials are defined at the highest national level by the Nuclear Foreign Policy Council. Export applications are reviewed by an inter-ministerial group presided over by the Ministry of Foreign Affairs and consisting of the Ministry of Defence, the Ministry of Industry, the Atomic Energy Commission and the General Secretariat for National Defence.

The General Secretariat for National Defence, a department of the Prime Minister's Office responsible for inter-ministerial coordination in the fields of defence and security, presides over and provides secretariat services for the inter-ministerial bodies responsible for examining, prior to government rulings, issues relating to the export of arms, materials, equipment and technology of a sensitive nature.

In the specific area of arms exports, export applications are studied by the Inter-ministerial Committee for the Study of Military Equipment Exports, which gives its opinion on the appropriateness of the export. The Committee is comprised of the various ministries concerned (the Ministry of Foreign Affairs, the Ministry of Defence and the Ministry of Economic Affairs, Finance and Industry on a permanent basis and, depending on the particular case, any other qualified ministry or administration). It is presided over by the Secretary-General for National Defence. It implements the principles established by the Government, in particular

the principle prohibiting any involvement in the proliferation of weapons of mass destruction and their means of delivery. Export applications that pose a risk in that respect are therefore systematically denied.

The General Secretariat for National Defence is also responsible for updating the guidelines used by the Inter-ministerial Committee for the Study of Military Equipment Exports and for studying legal and administrative developments in the area of control. Inter-ministerial activities are therefore designed to promote a unified export strategy for French equipment within a legal and diplomatic framework that respects France's commitments.

In addition, the General Secretariat for National Defence coordinates the implementation of inter-ministerial procedures for controlling exports of materials, equipment and technology of a sensitive nature. It is the driving force behind the prevention policy and is responsible for State vigilance. The Inter-ministerial Information Committee conducts inter-ministerial activities in the area of information.

In the field of the non-proliferation of chemical weapons, France, with a view to ensuring the efficient implementation of the Convention, has established the Inter-ministerial Committee for the Implementation of the Chemical Weapons Convention. It is presided over by the Prime Minister, and coordinates relevant State activities at the domestic level.

2. Ministry of Defence

The Ministry of Defence, through the Chief of Staff of the Armed Forces, the General Weapons Division and the Strategic Affairs Division, takes part in controlling the export of weapons and sensitive materials and is involved in monitoring the various treaties and multilateral agreements and the functioning of the groups of suppliers. The Ministry's information services participate in the risk assessment process, the definition of information requirements and the collection of information.

3. Ministry of Foreign Affairs

Combating the proliferation of weapons of mass destruction is one of France's foreign policy priorities. That policy focuses on two main areas, namely support for the international system for combating proliferation and a specific commitment to actions to prevent and combat proliferation.

The aim is to foster awareness of the threat posed by proliferation and to contribute to the strengthening of the international system for preventing and combating the proliferation of weapons of mass destruction.

The Ministry of Foreign Affairs plays a part in defining and managing the actions taken by France within the European Union, particularly in the context of the European non-proliferation Strategy.

It coordinates France's position within multilateral bodies dealing with non-proliferation and/or arms control (United Nations Security Council and General Assembly, IAEA, the Organization for the Prohibition of Chemical Weapons, the Conference on Disarmament) and other forums, such as the G-8 and the North Atlantic Treaty Organization.

In conjunction with the other ministries and administrations concerned, it holds bilateral talks with various countries in order to increase their awareness of the risks posed by proliferation and ways of addressing them.

The Ministry of Foreign Affairs also monitors treaties and international agreements on non-proliferation, arms control, disarmament and the transfer of sensitive materials and technologies. French diplomats are also actively involved in activities designed to supplement the international system for non-proliferation by means of negotiations and the promotion of new instruments.

It participates in the export control process, sitting on all the inter-ministerial bodies concerned with the export of military equipment or dual-use goods and presides over the inter-ministerial body responsible for nuclear exports. It coordinates France's position within groups of suppliers (the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Australia Group and the Wassenaar Arrangement) and heads French delegations to those bodies. In addition, in accordance with the provisions of the Chemical Weapons Convention, the Ministry of Foreign Affairs was designated as the "national authority" responsible for the comprehensive monitoring of relations with the Organization for the Prohibition of Chemical Weapons, which is based in The Hague.

It also coordinates France's activities in the context of international non-proliferation initiatives, such as the G-8 Global Partnership or the Proliferation Security Initiative.

At the international level, the Ministry of Foreign Affairs holds negotiations and monitors bilateral and multilateral assistance programmes.

It takes part in the collection, analysis and dissemination of information on issues relating to non-proliferation, in particular with its partners in the groups of suppliers.

4. **The Ministry of Economic Affairs, Finance and Industry**

The Ministry of Economic Affairs, Finance and Industry, through the Directorate-General for Customs and Indirect Taxation, is responsible for monitoring the movement of strategic items and military equipment and also plays a part in protecting and preventing illegal trafficking. The Directorate-General for Customs and Indirect Taxation issues export licences for military equipment and dual-use goods.

The Directorate-General for Industry, Information Technology and Posts plays a role in monitoring technological developments in sensitive areas and takes part in the process of designating dual-use goods. It also informs businesses and administrations about legislation in that field. In addition, it takes part in the examination of export licence applications and in direct coordination between the monitoring offices of States members of the European Union and the various regimes implemented pursuant to article 15 of Regulation (EC) No. 1334/2000.

The Directorate-General for Energy and Raw Materials monitors the key sectors of raw nuclear materials and participates in the control process for exports of sensitive materials and major nuclear equipment (in particular reactors) and in the development of regulations concerning nuclear non-proliferation.

The Senior Security Officer of the Ministry of Economic Affairs, Finance and Industry is responsible for implementing measures relating to the control and physical protection of nuclear materials, on site and in transit, and those relating to the protection of nuclear facilities against malicious acts. On behalf of the Minister for Industry, he also introduces measures for the implementation of the Chemical Weapons Convention and prepares measures for the implementation of the Biological Weapons Convention.

The Institute for Radioprotection and Nuclear Safety lends its expert assistance to the Senior Security Officer. A public establishment falling within the joint purview of the Ministers of Defence, of the Environment, of Industry, of Research and of Health, the Institute carries out research and provides expert advice in, inter alia, the areas of the protection and control of nuclear materials and products likely to be used for the manufacture of weapons and the protection of facilities and means of transport against malicious acts (theft or diversion of nuclear material, sabotage). It also contributes to compliance with France's international obligations in the nuclear and chemical fields. The Institute's Department for the Implementation of International Controls interacts with the public authorities and operators in order to ensure that the international controls relating to non-proliferation are implemented within the national territory. In particular, the Department is responsible for preparing and monitoring controls (especially for centralizing accounting data).

5. Ministry of Health

The Ministry of Health, through the French Agency for the Safety of Health Products is involved in the manufacture, import, export, possession, transfer free of charge or in return for payment, acquisition and transport of certain biological agents which cause infectious diseases, pathogenic and micro-organisms and toxins. Under the new Framework Act on Public Health adopted in 2004, the Agency has, inter alia, broad inspection powers in those areas.

The Senior Security Officer of the Ministry of Agriculture and the Ministry of Research are also consulted on these issues and, more broadly, on research-related questions.

6. Judicial authority and security services

To complement the bodies responsible for the monitoring of activities that may have an effect on proliferation, the judicial and security services have a preventive and repressive role. Hence, the Ministries of Justice, of the Interior and of Defence are involved in combating violations of the regulations in this area, in particular the illicit trade in materials or technologies, and, together with the Directorate-General for Customs and Indirect Taxation, in border control.

7. Atomic Energy Commission

The Atomic Energy Commission is an essential player in both the civilian and military aspects of nuclear materials. The Director of International Relations of the Commission is also France's representative on the Board of Governors of IAEA. The Department for Military Applications of the Commission has been designated by the French authorities as the implementing agent for the Nuclear-Test-Ban Treaty Organization. The Commission also acts as the secretariat for the Inter-ministerial Technical Committee on Issues Relating to the Implementation of the Euratom

Treaty. That secretariat is, inter alia, responsible for relations with IAEA and the European Commission with regard to the implementation of international controls on nuclear materials within French territory.

III. Measures taken by France in implementation of resolution 1540 (2004)

Text of resolution 1540 (2004):

The Security Council, (...)

1. Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

France is firmly committed to the fight against the proliferation of nuclear, chemical and biological weapons and their means of delivery and more generally to the promotion of international peace and security. Accordingly, it could not under any circumstances provide any kind of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use such weapons.

Any such action is punishable under French law in accordance with the modalities described in this report.

2. Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

Pursuant to Act No. 80-572 of 25 July 1980 on the protection and monitoring of nuclear material, the import, export, production, possession, transfer, use or transport of nuclear material[2] is subject to prior authorization. The Act penalizes any improper acquisition of nuclear material or any engagement in the aforementioned activities mentioned without prior authorization.

This Act is supplemented by Act No. 89-434 of 30 June 1989 incorporating the Convention on the Physical Protection of Nuclear Material. The latter Act expands the list of offences and imposes the same penalties as are imposed under Act No. 80-572 on anyone who, without prior authorization, possesses, transfers, uses or transports out of the territory of the French Republic any of the nuclear material covered by this Act. It also amends the Code of Criminal Procedure by authorizing the prosecution of any person present in France who has been convicted outside France of the offence of improper acquisition, a deliberate attempt on life or integrity of the person, theft, extortion, blackmail, fraud, abuse of trust, receiving and concealment, destruction, damage or degradation, or threatening to inflict harm on the persons or property specified in Books II and III of the Criminal Code, when the offence is committed with the aid of nuclear material falling within the scope of articles 1 and 2 of the Convention or when it relates to such material.

With regard to the non-proliferation of chemical weapons, the French Parliament adopted Act No. 89-467 of 17 June 1998 on the implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. This Act incorporates the Convention into domestic law and sets out the modalities of its implementation. It prohibits and penalizes the use, development, production, stockpiling, possession, preservation, acquisition, transfer, import, export, transit, trading and brokering of chemical weapons.

In the case of the non-proliferation of biological weapons, Act No. 72-467 prohibiting the development, production, possession, stockpiling, acquisition and transfer of biological or toxin-based weapons prohibits the foregoing activities in connection with biological weapons or agents which might be used in their manufacture. It also prohibits inciting any State, enterprise, organization, group or person to engage in these activities or assisting it in doing so. This Act is supplemented by the Order of 22 September 2001 (as amended on 15 January 2004 and 30 July 2004) on the manufacture, import, export, possession, transfer free of charge or in return for payment, acquisition and transport of certain biological agents which cause infectious diseases, pathogenic micro-organisms and toxins.

Act No. 2004-204 of 9 March 2004 bringing the justice system into line with developments in criminal matters increases the penalties for certain offences relating to biological weapons covered by the 1972 Act, in particular when such offences are committed by organized gangs. It also creates a new offence, the dissemination of processes for the manufacture of destructive devices from explosive powders or substances or from nuclear, biological or chemical materials.

Pursuant to articles 421-1 and 421-3 of the Criminal Code, the penalties which may be imposed on the perpetrators of certain weapons-related offences are increased when they are committed in connection with an individual or collective enterprise the objective of which is seriously to disrupt the public order by intimidation or terror. The following are the offences relating to nuclear, biological and chemical weapons referred to in article 421-1:

- The offences specified in articles 1 and 4 of the Act of 9 June 1972 (biological and toxin-based weapons);
- The offences specified in articles 58 to 63 of the Act of 17 June 1998 (chemical weapons);
- The acquisition, possession, transport or unlawful carrying of explosive substances or devices manufactured from such substances, specified in article 38 of the Decree-Act of 18 April 1939 setting out the schedule governing war materiel, weapons and ammunition;
- The possession, carrying or transport of weapons or ammunition included in categories 1 and 4 in articles 24, 28, 31 and 32 of the Decree-Act of 18 April 1939. Article 2, paragraph 10, of the Decree of 6 May 1995 on the application of the Decree of 18 April 1939, setting out the schedule governing war materiel, weapons and ammunition, classifies explosive nuclear devices, their specific components and the specialized tools for their manufacture and testing as category-1 war materiel.

The main consequence of the commission of one of these offences in the context of a terrorist organization is the increase of the maximum penalties which may be imposed, in accordance with the provisions of article 421-3 of the Criminal Code.

The provisions of the Criminal Code relating to terrorism also cover the financing of terrorist organizations (art. 421-2-2) and the release into the environment of toxic substances likely to endanger human or animal health or the natural environment (arts. 421-2 and 421-4).

3. Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

Pursuant to Act No. 80-572 of 25 July 1980 on the protection and monitoring of nuclear material, the manufacture, possession, transfer, use and transport of fusible, fissionable or breeder nuclear material are subject to authorization and monitoring. Furthermore, in this area France is bound by the international obligations stemming from its membership in the European Atomic Energy Community (EURATOM) and the International Atomic Energy Agency (IAEA).

The purpose of the implementation of the Act of 25 July 1980 and of its enabling regulations is to prevent and, where necessary, detect without delay any disappearance, loss, theft or diversion of nuclear material in French territory. This purpose is apparent from the key words of the Act: authorization, monitoring, sanctions.

Anyone who wishes to engage in activities connected with the possession, use, transfer, import, export or transport of nuclear material must obtain prior authorization. This authorization carries with it administrative and technical obligations appropriate to the activities in question.

Both the administrative, technical and accounting aspects of the authorized activities and the measures designed to prevent theft and diversion of nuclear material are monitored. This monitoring is the responsibility, firstly, of the nuclear operator and, secondly, of the governmental authorities, which have among their personnel sworn agents empowered to act by the State (nuclear material inspectors).

Criminal sanctions may be imposed in respect of certain offences, such as improper or unauthorized possession of nuclear material, obstruction of monitoring by governmental authorities, or failure to declare the disappearance, loss or diversion of such material.

This Act is supplemented by several enabling texts, dealing, inter alia, with the transport and monitoring of and accounting for nuclear materials as well as with its containment, surveillance and physical protection.

In addition, France is a party to the Treaty establishing the European Atomic Energy Community, Chapter 7 of which provides for the monitoring of nuclear safety. This security monitoring enables the Commission to verify that the specified ores, raw materials and fissile materials are not diverted from the uses declared for

them by their users. It also enables the Commission to verify compliance with the special monitoring commitments undertaken by the Community in an agreement with a third State or an international organization.

According to this Treaty and Regulatory Schedule No. 3227/76 on the application of the EURATOM provisions on the monitoring of nuclear safety, all accounting information about such materials and descriptions of installations containing them must be transmitted to the Commission.

Furthermore, the Commission has the power to send inspectors to any place in France where nuclear materials for civilian use are located. The Commission's inspection visits in France in 2002, for example, totalled over 2,500 man-days.

It should also be noted that Regulatory Schedule No. 3227/76 is being revised to take into account, among other things, the entry into force of the additional protocol and the new obligations for the Commission arising therefrom.

France has also entered into commitments vis-à-vis IAEA in connection with a voluntary offer of France/EURATOM/IAEA safeguards (INFCIRC/290). Under this legal instrument, accounting reports on nuclear materials subject to IAEA safeguards are transmitted regularly to the Agency. On this basis, the Agency carries out inspections at designated installations.

In addition, information on imports and exports of ore concentrates and nuclear materials are transmitted regularly to IAEA in accordance with documents INFCIRC/207, 290 and 415.

The additional protocol to the France/EURATOM/IAEA Safeguards Agreement entered in force, together with the additional protocols of the other members of the Community, on 30 April 2004. Under that protocol, France will furnish additional information to IAEA, for example on activities carried out in cooperation with non-nuclear-weapon States in connection, inter alia, with research and development work on the nuclear fuel cycle. Exports of certain types of equipment will also be declared regularly to IAEA. The purpose of this commitment is to facilitate the detection of secret nuclear activities in a non-nuclear-weapon State. To this end, IAEA may also request additional access to French installations.

France, which is not a chemical-weapon State within the meaning of the Chemical Weapons Convention, acquired, by Act No. 98-467 of 17 June 1998 on the implementation of the Convention, a means of fulfilling its obligations under that Convention. France is up to date in its obligation to declare military and civilian sites subject to international verification to the Organization for the Prohibition of Chemical Weapons and has, moreover, already received in France more than 30 inspection missions from that organization. These inspections, conducted regularly at various sites, have always demonstrated France's strict fulfilment of its commitments under the Convention. Furthermore, Decree No. 98-36 of 16 January 1998 specifies the conditions for the storage of old chemical weapons (predating 1925) pending the establishment of a site for their destruction.

The Order of 22 September 2001 (as amended on 15 January and 30 July 2004) on the manufacture, import, export, possession, transfer free of charge or in return for payment, acquisition and transport of certain biological agents which cause infectious diseases, pathogenic micro-organisms and toxins imposes the requirement of a specific authorization from the French Agency for the Safety of

Health Products in respect of each activity of this kind. These authorizations are subject to monitoring by the Directorate-General for Customs and Indirect Taxation. All acquisition and transfer transactions are recorded in a special register numbered and initialled by the local mayor or police commissioner. The recipients are required to submit an annual statement of movements of the substances held.

(b) Develop and maintain appropriate effective physical protection measures;

The physical protection of installations presenting a risk of proliferation is governed in France by Ordinance No. 58-1371 of 29 December 1958 on the strengthening of the protection of vitally important installations. All French nuclear installations, as well as a number of industrial (chemical and biological) sites presenting such a risk, are classified as installations of vital importance to the Nation. The law requires the owners of such installations to contribute financially to their physical protection.

Operators are thus under an obligation to provide effective protection of their installations in order to prevent any malicious act or act of sabotage which might affect the operation of the site and/or public safety. The measures taken in this respect supplement those taken by the governmental authorities for the protection and monitoring of nuclear material.

The protection of the installations depends on close collaboration between the operators and the governmental authorities. This collaboration entails the assignment of responsibilities to installation managers, who are required to establish:

- A security management policy;
- A system of physical and human protection (detection fence preventing/delaying intruder access) based on the principle of in-depth defence (detection, delay, intervention);
- The surveillance of personnel working at or having access to the site (administrative inquiries, authorizations, etc.).

In addition to publishing the regulations specifying the security requirements for sensitive sites and the threats, the governmental authorities ensure the protection and external defence of the installations, including defence against attack from the air, and make provision for intervention by the forces of law and order when necessary.

In the specifically nuclear field, France bases its physical protection system on the Convention on the Physical Protection of Nuclear Material, to which it is a party. At the national level, the physical protection of nuclear material is regulated by Act No. 80-572 of 25 July 1980 on the protection and monitoring of nuclear material and by its various associated decrees, orders and instructions for implementation.

Since nuclear materials are particularly vulnerable during transport, their movement requires special protection rules. These rules take account, in accordance with international standards, of the degree of sensitivity of the materials in question and the quantity to be transported, on the basis of their classification into three sensitivity categories. Nuclear materials in category 1 (plutonium for example) are the most carefully protected.

This type of transport is thus subject to special protection measures covered by the official secrets regulations with respect both to their design and to their implementation. These measures are backed up by real-time monitoring of the transport operations by the Operational Transport Unit, a technical support unit operating under the auspices of the Senior Security Officer of the Ministry of Economic Affairs, Finance and Industry in the Institute for Radioprotection and Nuclear Safety. The safety design rules (fire and drop resistance, protection against ionizing radiation, thermal protection, etc.) make a big contribution to the protection of containers against external attack. These measures of protection against acts of terrorism are evaluated under programmes run by the Institute on behalf of the Senior Security Officer. In operational terms, specific and systematic instructions are issued to the civil defence agencies in respect of every shipment of nuclear material in order to ensure the protection of the people living in the zones through which the shipment passes.

Installations other than nuclear installations are governed by specific regulations deriving from European Directive No. 96/82/EC of 9 December 1996 (SEVESO 2). This directive applies to more than 1,200 establishments in France, mainly in the petroleum and chemical sectors. It is applied in French law through Act No. 76-663 on classified installations, its enabling decree of 21 September 1977 and a ministerial order of 10 May 2000. This legislation imposes on the operator the duty of assessing all the risk factors with regard to accidents and attacks, including the risk of malicious acts. The operator maintains an inventory of all the hazardous substances held in his establishment and keeps the local prefect informed on this matter. He must also prevent any risk of intrusion by taking ad hoc security measures (fences around buildings, securing of warehouse doors, access-control systems, and even round-the-clock guards with video surveillance). The installation of such facilities at SEVESO sites is supervised by the regional directorates for industry, research and the environment of the Ministry of Economic Affairs, Finance and Industry.

In addition, in order to avoid the transmission of knowledge or know-how which may be of use in proliferation programmes, Ministerial Instruction No. 486 of 1 March 1993 requires every manager of an establishment subject to a restrictive schedule or to monitored access to seek authorization from the Senior Security Officer of his lead ministry (Ministry of Industry for enterprises, Ministry of Research for laboratories) when he wishes to admit a visitor or a trainee who is not a national of the European Union.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

France's civilian and military security organs have been mandated, as their permanent priority mission, to prevent, detect and combat illicit trafficking in and unauthorized brokering of the items in question. Accordingly, France has set up an Expert Criminal Investigation Department to Suppress Trafficking in Arms, Explosives and Sensitive Materials, which is mandated to conduct investigations to eliminate illicit trafficking in the nuclear, radiological, biological and chemical fields.

In addition, by adoption of Decree No. 2002-23 of 3 January 2002 amending Decree No. 95-589 of 6 May 1995 relating to the implementation of the Decree-Law of 18 April 1939 establishing the regime governing war materiel, weapons and ammunition, France has regulated arms dealing. It has established a specific system of authorizations for such activities as well as sanctions.

Moreover, there is sustained bilateral or multilateral cooperation between the French security organs and their counterparts abroad, at the European or the international level. This cooperation focuses on operational questions and the establishment of common principles (as, for example, the procedures for monitoring visitors and trainees in scientific institutions).

The pursuit of customs violations related to trafficking in weapons, ammunition and explosives has since 2002 been part of the monitoring scheme (the list of priorities in the detection of offences, annually revised by the Directorate-General for Customs and Indirect Taxation). This involves contraband weapons, ammunition and explosives, and the monitoring of compliance with embargoes and of war materiel and goods likely to fall under the dual-use regulations. The customs services are thus particularly alert to uncovering this type of fraud.

Furthermore, regardless of the mode of transport — whether air, road, maritime, postal or express freight traffic — appropriate targeting and risk-assessment methods are applied, especially at the strategic entry points into the country (the ports, airports and postal clearance zones) in conjunction with detection tools such as scanner-type equipment, ionscans, and equipment for the detection of radioactive material, operated in liaison with France's Atomic Energy Commission.

The French customs service participates in certain trials in collaboration with the Atomic Energy Commission in order to combat illicit trafficking more effectively and improve the detection of radioactive material. For instance, the custom service of the port of Le Havre has been designated as a trial participant under the "Euritrack" project, aimed at detecting and identifying specific chemical, biological and nuclear materials that can be hidden in containers.

In addition, the customs services in the field convey all information having to do with proliferation to the National Customs Information and Investigation Department, which centralizes the data and carries out analyses based on both open and restricted sources, with international cooperation (the International Mutual Administrative Assistance arrangement).

The French customs service also participates in activities sponsored under the Proliferation Security Initiative.

Moreover, it is a participant in the Container Security Initiative, a United States programme that aims to expand customs cooperation in order to improve the screening of shipping containers that might contain weapons of mass destruction.

At the Community level, work is under way to amend the European Union Customs Code by requiring economic operators to supply advance information, applicable to all modes of transport. This will make it possible to improve customs targeting and controls.

Lastly, in all the major French ports, the customs databases are linked to the port databases; this also facilitates the targeting of goods.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

There are two sets of regulations establishing controls on nuclear, chemical and biological products and their means of delivery.

The general regime governing war materiel, weapons and ammunition was established by the Decree-Law of 18 April 1939. This piece of legislation classifies war materiel, weapons and ammunition in separate categories, covered by specific regimes governing production, possession, import and export. Provision is also made for criminal penalties for actions that violate the established authorization or control regimes.

The chemical weapons under schedule 1 of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 13 January 1993 are covered by Act No. 98-467 of 17 June 1998, implementing the Convention, by the Decree-Law of 18 April 1939, establishing the regime governing war materiel, weapons and ammunition and by their enabling texts. The import, export, re-export, transit and trans-shipment of such goods require authorization, unless they are free in and out.

Likewise, the import, export, re-export, transit and trans-shipment of category I means of delivery under the Missile Technology Control Regime (MTCR) require authorization pursuant to the Decree-Law of 18 April 1939 and the order of 2 October 1992.

Items not specifically covered by the war materiel regime come under the regulations on dual-use goods. These regulations apply to nuclear, biological and chemical products and category II products under the MTCR.

Pursuant to amended Council Regulation (EC) No. 1334/2000 of 22 June 2000, such products and technologies require export authorization, regardless of the third country outside the European Union to which they are permanently or temporarily exported. Such authorization is required in the case of both the physical export of goods and the intangible transmission of data.

The provisions of this regulation apply regardless of quantity or value. The shipment of samples or non-invoiced merchandise, including shipment by a firm which has its headquarters in France to its subsidiary or shipment in connection with an exhibition or a trade fair, falls under the authorization regime.

The re-export of dual-use items which fall in the category of non-European Community goods is likewise subject to authorization. Consequently, non-European Community goods imported into Community territory require authorization when they are re-exported as such or after integration into a system.

Technical support provided in a third country outside the European Union, in connection with the repair, development, manufacture, assemblage, testing or maintenance of dual-use items may require authorization pursuant to the common

action taken at the Council of the European Union meeting of 22 June 2000 regarding technical support related to some final military destinations.

The European regime for the control of dual-use goods has been supplemented in France by an inter-ministerial control arrangement, involving the General Secretariat for National Defence and the Ministries of Economic Affairs, Finance and Industry, Foreign Affairs, Defence and the Interior. This arrangement is based specifically on the following national laws:

- Act No. 80-572 of 25 July 1980 on the protection and control of nuclear material;
- Act No. 98-467 of 17 June 1998 on the implementation of the Convention of 13 January 1993 on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;
- Act No. 72-467 of 9 June 1972 prohibiting the development, production, possession, stockpiling, acquisition and transfer of biological or toxin-based weapons; supplemented by the order of 22 September 2001 (amended on 15 January and 30 July 2004) concerning the manufacture, import, export, possession, transfer free of charge or in return for payment, acquisition and transport of certain biological agents which cause infectious diseases, pathogenic micro-organisms and toxins.

The enforcement in France of the regulations governing dual-use items and technologies is also the responsibility of the Directorate-General for Customs and Indirect Taxation as part of its duties to monitor compliance with prohibitions. Dual-use items and technologies are goods the export of which is in fact prohibited under article 38 of the Customs Code.

Articles 60 to 65 of the Customs Code empower customs officials to investigate violations.

Articles 414 to 429 of the Code define violations of the regulations and establish penalties for contraband activities and the illegal export or import of nuclear, chemical or biological weapons and their means of delivery.

The French arrangement for the control of exports of dual-use items was evaluated by other States members of the European Union as part of a peer review during the first half of 2004. The evaluation was done in accordance with the guidelines established in the Action Plan adopted at Thessaloniki, and, in particular, the European Union Strategy against the Proliferation of Weapons of Mass Destruction. The Commission should be issuing its follow-up recommendations for all member States by the end of the year.

With regard to action to stop the financing of such activities, France has set up a financial information unit within the Ministry of Economic Affairs, Finance and Industry, with the Office of the Director-General for Customs and Indirect Taxation acting as its secretariat. This unit (TRACFIN) is a centre for the collection of data on clandestine financial networks and a service with expertise in combating money-laundering.

As such, TRACFIN receives and builds upon the information in the declarations of suspicion submitted by financial bodies (banks, public financial institutions, person-to-person currency exchange bureaux, insurance and reinsurance

companies, investment firms and mutual associations) and the information conveyed by many persons working in fields other than finance (accountants, auditors, process servers, court administrators and agents, lawyers, notaries, court auctioneers, real estate agents, casino managers, auctioneers and dealers handling items of great value, clubs and groups organizing games of chance, forecasters and the like). TRACFIN has been given specific powers to enable it to perform its task: broad authority to communicate with all persons engaged in occupations requiring them to submit declarations of suspicion, authority to put a 12-hour stay on the execution of a registered transaction, and authority to exchange information with the criminal investigation officers of the Central Office for the Suppression of Serious Financial Crimes, the customs services and the authorities monitoring activities in some of the occupations requiring the submission of declarations of suspicion.

In the context of bilateral cooperation, TRACFIN is authorized to communicate and exchange information with foreign units exercising similar functions and subject to the same professional secrecy obligations, on conditions of reciprocity. TRACFIN has increased its cooperation with such foreign financial information units, and has to date signed 25 bilateral agreements with some of them.

If a review by its financial experts confirms that an initial suspicion must be regarded as a presumption of money-laundering, TRACFIN then brings the facts to the attention of the public prosecutor who has jurisdiction.

Customs officers, for their part, are responsible for monitoring compliance by individuals who are required to declare, at the time of import or export, any transfers of sums, securities or assets worth €7,600 or more. The detection by customs officers of any failure to comply with that requirement can also lead to the discovery of money-laundering operations.

... 6. Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

France is a member of the Nuclear Suppliers Group, the Australia Group and the Missile Technology Control Regime, the Zangger Committee and the Wassenaar Arrangement. It is working actively within these systems to prevent the proliferation of weapons of mass destruction and their means of delivery. In that connection, it has established and regularly updates national control lists of exports.

The lists of items and products subject to declaration and control have been established under the European regulations on dual-use items and France's own Act No. 80-572 of 25 July 1980 on the protection and control of nuclear material, Act No. 98-467 of 17 June 1998 on the implementation of the Convention of 13 January 1993 on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; and the order of 22 September 2001 (amended on 15 January and 30 July 2004) concerning the manufacture, import, export, possession, transfer free of charge or in return for payment, acquisition and transport of certain biological agents which cause infectious diseases, pathogenic micro-organisms and toxins.

Furthermore, the progressive development of the control lists of suppliers groups (under the Wassenaar Arrangement, the Missile Technology Control Regime, the Nuclear Suppliers Group, the Australia Group and the Chemical Weapons Convention) have been incorporated into Council Regulation (EC) No. 1334/2000,

as supplemented by Council regulation (EC) No. 1504/2004, and are therefore directly applicable under French law.

7. Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

France recognizes that some States may need legal, administrative or technical assistance in order to implement this resolution.

As a member of the G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, it has undertaken to fund a number of projects. The activities involved include the dismantling of Russian nuclear submarines through the Multilateral Support Fund of the Northern Dimension Environmental Partnership, as well as action under a number of bilateral programmes in the nuclear, chemical and biological fields.

France is participating in bilateral dialogues and campaigns to raise awareness of what is at stake in combating proliferation, and it cooperates on a case-by-case basis in bilateral activities relating to the various provisions of resolution 1540 (2004), such as export controls and the physical protection of sensitive materials or equipment.

8. Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

Within the European Union, France has supported Council Common Position No. 2003/805/CFSP of 17 November 2003 on the universalization and reinforcement of multilateral agreements in the field of the non-proliferation of weapons of mass destruction and means of delivery. France also sponsored the adoption in November 2003 of a non-proliferation clause which was included in agreements concluded between the European Union and partner States.

France also encourages the universalization and appropriate strengthening of non-proliferation treaties, through bilateral actions, whereby it invites States to ratify or adhere to the principal non-proliferation treaties and agreements, and through its actions in multilateral forums.

France is working towards the strengthening of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, and is fully committed to the monitoring process. Its active involvement in the preparation and organization of meetings in 2003 (consideration of national legislation and the securing of pathogens) and 2004 (international investigation into the alleged use of biological weapons, and surveillance of epidemics) and in the one planned for 2005 (codes of conduct for scientists) reflect France's commitment to the strengthening of the Convention.

France is also actively engaged in the efforts of the International Atomic Energy Agency and partner States to promote safeguards agreements to be concluded under the Treaty on the Non-Proliferation of Nuclear Weapons and its additional protocols. It has made financial contributions, and taken part in several promotion seminars.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

France has ratified the principal nuclear, chemical and biological non-proliferation treaties and conventions. These instruments have been reflected in domestic law in the manner described in parts III.2 and III.3 of this report.

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

In addition to its contribution to the regular budget of IAEA and its participation in the corresponding programmes, such as the verification activities of the Department of Safeguards, France is conducting additional activities on a voluntary basis in support of the goals of Security Council resolution 1540 (2004). France seeks to ensure that, IAEA is provided with the human, financial and technical resources commensurate with the mandate entrusted to it by the international community in order for the Agency's verification mission to be credible. It remains mindful, however, of the need for adequate funding of the Agency's other priorities, in particular promotional and technical cooperation activities.

In the context of its safeguards support programme, France contributes both financially and in kind (expert services, transfers of technology or know-how) in order to strengthen the capacities and activities of the Department of Safeguards. French support focuses mainly on developing and strengthening the safeguards system, information and training, and activities targeting the needs of the inspection divisions. It comprises over 20 projects representing a total of about 1.2 million euros in 2004.

France supports IAEA activities in the field of nuclear security and protection from nuclear terrorism. Its contributions to the Nuclear Security Fund total almost €500,000. France has provided an expert to the Agency, free of charge, and is also contributing in kind through cooperation activities, particularly in the fields of the physical protection of nuclear materials, the promotion of international agreements and the security of radioactive materials. The French authorities will shortly conclude arrangements with the Agency to define the cooperation framework for these actions.

France has taken an active role in discussions held since 1999 under the auspices of the Agency, for the strengthening of the Convention on the Physical Protection of Nuclear Material. From December 2001 to March 2003 it presided over the group of legal and technical experts which discussed proposed amendments to the Convention. France has recently entered into diplomatic contacts with a

number of States parties to the Convention, inviting them to request the depositary of the Convention to convene a diplomatic review conference.

France's contribution to the budget of the Organization for the Prohibition of Chemical Weapons for 2004 exceeds €4 million; this represents a 6 per cent share of the total and puts France in fifth place among the contributors. As part of its activities within that Organization, France has established a training centre for the prohibition of chemical weapons, which has provided initial training for international inspectors working for the Organization and continues to promote awareness in French Government departments responsible for the implementation of the Chemical Weapons Convention.

As part of its efforts to combat the proliferation of biological weapons, France is continuing to promote the strengthening of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Proliferation results from the acquisition by proliferators not only of materials, but also of know-how and technology. The industry and research sectors should therefore receive particular attention from Government departments. Consequently, priority must be given to promoting awareness among industrial and scientific establishments which are likely to be approached by proliferators.

Particular efforts to promote awareness have been and are continuing to be made by the relevant departments, with particular attention to small and medium-sized enterprises, which are more vulnerable owing to economic factors and their lack of knowledge of current regulations. The same initiative has been implemented in respect of the managers of import-export entities.

The French authorities are also conducting a study on the conditions for public access to an open database on terrorism. Selected information on the use of weapons of mass destruction for terrorist purposes may be included in that database.

The Ministry of Economic Affairs, Finance and Industry is also engaging in activities targeting industrial entrepreneurs and the public.

The web site of the Directorate-General for Customs and Indirect Taxation provides comprehensive information on the legislation in force. It reproduces information sheets intended for leaders of industry under the following headings: enterprises and professions; foreign trade transactions; goods which are prohibited or subject to special formalities; and dual-use items.

The web page of the Official Customs Bulletin provides the official texts of regulations concerning dual-use items, as published in the *Journal Officiel* of the French Republic.

The customs services also engage in public information activities through their information centres.

The web site of the Ministry of Economic Affairs, Finance and Industry (Directorate-General of Industry, Information Technology and Posts) provides detailed information concerning the legislation in force on dual-use items, including

the penalties for contravening that legislation, and offers practical information and useful contacts for the heads of enterprises concerned.

These web sites are complemented by a brochure on dual-use, which was widely distributed in October 2004, not only to companies but also to the national, regional, decentralized and external services concerned, which are a vital element in the State's actions regarding small and medium-sized enterprises.

In 2003 and 2004, the Ministry of Economic Affairs, Finance and Industry organized conferences for exporters, with the participation of the National Defence Secretariat, and the Ministries of Foreign Affairs, Defence and the Interior. "Tailor-made" information sessions are also organized regularly by various professional sectors or State enterprises (in sectors such as mechanical engineering and electronics) and Government departments such as the Office of the Director-General of the National Police.

9. Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

France is involved in promoting multilateral discussions on non-proliferation. It is encouraging work under way in various international forums, and seeking to ensure that the resulting initiatives are in the spirit of Security Council resolution 1540 (2004) and the European Union Strategy against the Proliferation of Weapons of Mass Destruction.

France actively supports the chairpersons of various groups of exporters, and seeks to promote cooperation among the chairpersons of the various non-proliferation regimes. In particular, it encourages States which are not members of the main regimes to subscribe to the minimal codes of conduct drawn up by those regimes to control exports of sensitive goods.

At the bilateral level, France includes a non-proliferation element in its strategic dialogue with its partners.

10. Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

France supports initiatives to strengthen international cooperation to prevent trafficking in nuclear, chemical and biological weapons and their means of delivery, and related materials. It is also actively involved in the Proliferation Security Initiative, launched in May 2003. As set out in the Statement of Interdiction Principles, adopted in Paris on 4 September 2003, the participants in this Initiative undertake to cooperate in halting shipments of weapons of mass destruction and their means of delivery, and related materials, flowing to or from States or non-State actors which arouse concern with regard to proliferation.

This Initiative seeks to combat such proliferation flows, consistent with national laws and regulations and international law and international bodies, including the United Nations Security Council. The Statement of Interdiction Principles proposes various kinds of political commitments, including the commitment not to contribute to such shipments, to intercept any such shipments

and to cooperate to that end, particularly where the States concerned are unable to take action themselves. In theory, all countries are concerned, particularly coastal States, trans-shipment States and flag States.

The latest meeting of the Proliferation Security Initiative, held in Kraków on 31 May and 1 June 2004, showed that the Initiative is continuing to develop in a positive direction and is gaining growing support: over 60 countries took part in that meeting and expressed their support for the Statement of Interdiction Principles.

France believes that the success of this Initiative will effectively depend upon its ability to involve a great number of States in its activities, on the basis of flexible commitments, particularly those States which are able to make a significant operational contribution to the Initiative.

In practical terms, France has played an active part in the development of this Initiative in two main areas:

- Contributing to thorough and comprehensive consideration of the conditions of implementation of the Initiative at the legal and operational levels, and to the elaboration of scenarios;
- Regular planning and organization of intervention exercises to improve know-how which is specific to this type of operations, and coordination at the political, strategic and tactical levels.

France has taken part in all military exercises proposed by its partners, and is planning to organize its third exercise for 2006.

At the multilateral level, France continues to promote the fight against illicit trafficking in materials which can contribute to the proliferation of weapons of mass destruction (G-8 initiatives, review of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation).

Notes

[1] Statement by the President of the French Republic at the Ambassadors' Conference, 29 August 2003.

[2] Nuclear material: "Fusible, fissile or fertile nuclear material, as well as any material containing one or more fusible, fissile or fertile elements, ores exempted."